

REMARKS

Receipt of the Office Action of September 9, 2004 is gratefully acknowledged.

Claims 1 - 8 were presented for examination. These were examined and rejected as follows: 1) claims 1, 2 and 6 - 8 as anticipated under 35 USC 102(b) by Waltrip III; and 2) claims 3 - 5 as unpatentable under 35 USC 103(a) over Waltrip III.

These rejections have been rendered moot in view of the presentation of new claims 9 - 13. New claim 9 is a combination, essentially of original claims 1, 3, 5 and 6, with additional limitations, while new claims 10 - 13 correspond essentially to claims 2, 4, 7 and 8. As a result, no commentary on rejection 1) is necessary. Regarding rejection 2), the examiner has stated that "interchanging an integral part, for plural parts involves only routine skill in the art " This is not necessarily true in all situations. In this case, the statement ignores the recognition that certain benefits result from the use of two parts in place of one. refer to paragraph [0025] of the specification, wherein several benefits are noted which do not readily occur to the person skilled in the art.

a) the expansion pipe is heavy and of a considerable size. Its moment, if directly bolted to an exhaust port, would rapidly result in failure of the joint between the expansion pipe and the exhaust port. The curve construction of the expansion pipe, embodied in new claim 9 is designed to limit that moment;

b) the angular offset between the two body parts brings that portion of the mass of the expansion pipe to bear over the engine and this also contains the stresses which are imparted to the expansion pipe and its mounting to the engine, during use; and

c) the relative movement which is possible between the first section and the second section, in an axial sense and in a rotational sense, also allows for a

damping action of vibratory forces which otherwise would be transferred directly from the engine to the expansion pipe.

There is nothing in Waltrip III, it is respectfully submitted, nor in any other document, which suggests that the benefits of the kind referred to, which are important in a small relatively expensive vehicle such as a scooter, can be achieved by the judicious use of two parts in place of a single integral part. It is reiterated that the two parts are not simply constituents of the single part but, instead, are two parts which are angularly offset and relatively movable thereby to provide significant functional advantages.

It is respectfully submitted therefore that new claim 9 is allowable over the art.


Further new claims 10 - 13, which are dependent on new claim 9, are also therefore allowable.

A proposal to amend Fig.2 is being submitted herewith. Upon the examiner's approval, the formal drawing of Fig. 2 will be corrected.

In view of the above arguments and further amendments to the claims, that is new claims 9 - 13, applicant respectfully requests reconsideration and allowance of all the claims which are currently pending in the application.

Respectfully submitted,

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